

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA,

Plaintiff,

v.

LUCKY DOG LLC, D/B/A INDEPENDENT
CATALOGUE SERVICES, DESTINY
MERCHANDISE LLC D/B/A PREMIUM
OPPORTUNITIES & INCENTIVES,
PREMIER CAGING SERVICES, MICHAEL
SHINE, MEAGAN QUINN SHINE, and
MELISSA PINELLI, individually and as
officers, employees, and agents of LUCKY
DOG LLC, DESTINY MERCHANDISE LLC
and PREMIER CAGING SERVICES,

Defendants.

Civil Action No.

18-CV-668-WES-PAS

**STIPULATION AND PROPOSED ORDER CONTINUING PRELIMINARY
INJUNCTION HEARING AND ASSOCIATED DATES**

WHEREAS, Plaintiff the United States of America commenced this action on December 11, 2018 by filing a complaint (Docket No. 1) under 18 U.S.C. § 1345, and moving for a temporary restraining order and preliminary injunction (Docket No. 2) against an alleged mail fraud scheme; and

WHEREAS, on December 11, 2018, the United States District Court for the District of Rhode Island (Smith, C.J.), following *ex parte* hearing, issued a temporary restraining order in this action (Docket No. 11) finding that probable cause exists for the order and that the requisite statutory conditions had been met; and

WHEREAS, the Court set this matter down for hearing on the Plaintiff's motion for preliminary injunction on December 21, 2018, at 3:00 PM; and

WHEREAS, following service of the temporary restraining order, the complaint, summons, McManus Declaration and the United States' Motion for Preliminary Injunctive Relief, the parties have conferred; and

WHEREAS Defendants wish to engage in discussions with Plaintiff regarding the requested relief, which might narrow, reduce, or eliminate the need for motion practice, without waiving any defense or making any admission as to the allegations set forth in the Plaintiff's Complaint at this time;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED BY THE PARTIES, AND IT IS ORDERED BY THE COURT AS FOLLOWS:

1. That the preliminary injunction hearing in this action presently set for December 21, 2018 be adjourned to February 21, 2019, or a date thereafter convenient to and selected by the Court: _____, 2019, in Courtroom _____ at the United States Courthouse, 1 Exchange Terrace, Providence, Rhode Island, 02903;
2. That Defendants shall file and serve any opposition papers to the Plaintiff's preliminary injunction motion seven days before the rescheduled preliminary injunction hearing;
3. That Plaintiff United States file and serve its reply papers (if any) in support of the preliminary injunction motion three days before the rescheduled preliminary injunction hearing;
4. That Defendants' time to answer or otherwise respond to the Complaint be extended by 30 days from the date it is presently due in accordance with Rule 12(a), or February 28, 2019, whichever is later;

5. That the *ex parte* Temporary Restraining Order issued by the Court on December 11, 2018 (ECF Doc. #11) remain in place on consent of all Defendants, pending the Court's ruling on Plaintiff's preliminary injunction application, with all parties' claims and defenses preserved.

FOR PLAINTIFF THE UNITED STATES:

STEPHEN G. DAMBRUCH
United States Attorney
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12/17/2018
By: 

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FOR DEFENDANTS:

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SO ORDERED:

Hon. William E. Smith
Chief Judge, U.S. District Court